



PTO/SB/26 (05-03)

Approved for use through 4/30/2003. OMB 0651-0031  
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TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT	Docket Number (Optional) 04981-00294-US
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In re Application of: Lixin L. Xue et al.

Application No.: 09/839760-Conf. #1288

Filed: April 20, 2001

For: CIGARETTE FILTERS OF SHAPED MICRO CAVITY FIBERS IMPREGNATED WITH FLAVORANT MATERIALS

The owner\*, Philip Morris Incorporated, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,584,979. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record.

Signature

March 11, 2004

Date

03/16/2004 STEUEHL1 00000042 032775 09839760

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Richard M. Beck - 22,580

Typed or printed name

(302) 658-9141

Telephone Number

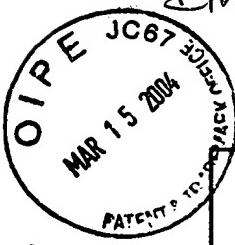
- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 11, 2004

Signature:



*Zmoge* ✓AP361  
PTO/SB/17 (10-03)  
Approved for use through 7/31/2006. OMB 0651-0032  
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# FEE TRANSMITTAL for FY 2004

*Effective 10/01/2003, Patent fees are subject to annual revision.*

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 110.00)

Complete if Known	
Application Number	09/839760-Conf. #1288
Filing Date	April 20, 2001
First Named Inventor	Lixin L. Xue
Examiner Name	D. A. Walls
Art Unit	3611
Attorney Docket No.	04981-00294-US

**METHOD OF PAYMENT (check all that apply)**

Check  Credit Card  Money Order  Other  None  
 Deposit Account:

Deposit Account Number **03-2775**  
 Deposit Account Name **Connolly Bove Lodge & Hutz LLP**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet.	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)	1814	Statutory Disclaimer	110.00

**SUBTOTAL (1) (\$ 0.00)**

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
<input type="checkbox"/>	** = <input type="checkbox"/>	<input type="checkbox"/>	= <input type="checkbox"/>
Independent Claims	** = <input type="checkbox"/>	<input type="checkbox"/>	= <input type="checkbox"/>
Multiple Dependent		<input type="checkbox"/>	= <input type="checkbox"/>

**SUBTOTAL (2) (\$ 0.00)**

*\*\* or number previously paid, if greater; For Reissues, see above*

\*Reduced by Basic Filing Fee Paid **SUBTOTAL (3) (\$ 110.00)**

SUBMITTED BY		(Complete if applicable)		
Name (Print/Type)	Richard M. Beck	Registration No. (Attorney/Agent)	22,580	Telephone (302) 658-9141
Signature	<i>Richard M. Beck</i>	Date	March 11, 2004	

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Dated: March 11, 2004

Signature: *A. L. Hamm* (Amy L. Hamm)